IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

CRP.No. 2380 of 2001(B)

AGAINST THE ORDER DATED 19/07/2001 IN IA. 469 /2001 IN OS.307/1997 of MUNSIFF COURT, MAVELIKKARA

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PETITIONER: PETITIONER:PLAINTIFF:

SANKARAN NAIR SREEDHARAN NAIR,
MELEDATHUTHEKKIETHIL,
ERUMAKUZHY MURI, PALAMEL VILLAGE.

BY ADV. SRI.K.SASIKUMAR

RESPONDENTS: RESPONDENTS:DEFENDANTS:

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1. **THALIKOCHUPENN,**
THEKKEPALAVILAYIL MELATHIL, ULAVUKATTU MURI,
PALAMEL VILLAGE.

2. **THIRUVANCHAN KARUTHAKUNJU OF...DO....DO.....**

3. **KARUTHAKUNJU KUNJU PILLAI,**
SIRIL BHAVANAM, MATTAPPALLY WARD,
ULAVUKKATTU MURI OF ...DO.....

4. **KARUTHAKUNJU PANKAJAKSHAN,**
THEKKEPALAVILAYIL MELATHIL OF ...DO..DO....

5. **CHELLAMMA, D/O.KARUMPAKALI,**
BINDU BHAVANA MATTAPPALLY, ERUMAKUZHY MURI,
PALAMEL VILLAGE.

6. **AYYAN NANU OF ...DO.....**

BY ADV. SRI.R.RAMADAS for R1 to R4

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON C.M.P.NO.5103/2001 IN C.R.P.NO.2380/2001

DISMISSED

6/09/2007 **SD/- PIUS C. KURIAKOSE, JUDGE**

/TRUE COPY/

P.A.TO JUDGE

KSS

PIUS C. KURIAKOSE, J.

C.R.P. No. 2380 OF 2001

Dated this the 6th day of September, 2007

O R D E R

Mr.Sasikumar reports that it is true that no separate suit was filed by the plaintiff petitioner arraying the Government also but this was because it was revealed that the re-survey plan had not become final. The application filed by the plaintiff for correcting the re-survey plan is even now pending. Mr.R.Ramadas, counsel for the respondent would assert that resurvey plan has attained finality and the learned counsel would rely on the averments of the paragraph 4 and 11 of the plaint itself. In view of the dispute between the parties as to whether or not the re-survey plan has attained finality, I am of the view that an opportunity should be given to the petitioner to convince the court below that the resurvey plan has not attained finality. I find that it is mainly on the reason that the resurvey plan had attained finality that the court below refused to review its order and to measure the property on the basis of old survey plan as well as the resurvey plan. Under these circumstances, I set aside the impugned order and relegate the matter back to the court below once again. The court below will grant a period of two months' time to the petitioner for convincing that court that the resurvey plan has not attained finality. If the court below is convinced by

the petitioner that the resurvey plain has not attained finality, the court below will reconsider the petitioner's application for review. However, if the petitioner is unable to so convince the court below, the court below will be justified in reiterating the impugned order by passing fresh order in exactly the same terms.

PIUS C. KURIAKOSE, JUDGE

btt